

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1171

H.P. 869

House of Representatives, March 17, 2011

**An Act To Amend the Pine Tree Development Zone Laws To
Provide a Better Measurement of Per Capita Income**

(EMERGENCY)

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative SHAW of Standish.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: DUCHESNE of Hudson, EVES of North Berwick, FLOOD of Winthrop,
HUNT of Buxton, TUTTLE of Sanford, Senators: BARTLETT of Cumberland, MARTIN of
Kennebec, SAVIELLO of Franklin.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** income qualifications for Pine Tree Development Zone benefits are based
4 on the average per capita income of the county in which the business employs the
5 qualifying employee; and

6 **Whereas,** contiguous counties have different average per capita income rates; and

7 **Whereas,** this difference has the largest negative effect, for purposes of qualifying
8 for Pine Tree Development Zone benefits, on those businesses close to the border of the
9 county; and

10 **Whereas,** this legislation ameliorates that effect; and

11 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
12 the meaning of the Constitution of Maine and require the following legislation as
13 immediately necessary for the preservation of the public peace, health and safety; now,
14 therefore,

15 **Be it enacted by the People of the State of Maine as follows:**

16 **Sec. 1. 30-A MRSA §5250-I, sub-§18,** as amended by PL 2005, c. 351, §4 and
17 affected by §26, is further amended to read:

18 **18. Qualified Pine Tree Development Zone employees.** "Qualified Pine Tree
19 Development Zone employees" means new, full-time employees hired in this State by a
20 qualified Pine Tree Development Zone business for work directly in one or more
21 qualified business activities for whom a retirement program subject to the Employee
22 Retirement Income Security Act of 1974, 29 United States Code, Sections 101 to 1461, as
23 amended, and group health insurance are provided and whose income derived from
24 employment within the Pine Tree Development Zone, calculated on a calendar year basis,
25 is greater than either the most recent annual per capita personal income in the county in
26 which the qualified employee is employed or the average of the most recent annual per
27 capita personal income in all counties having a borderline within 30 miles of the qualified
28 business where the qualified employee is employed. "Qualified Pine Tree Development
29 Zone employees" does not include employees shifted to a qualified business activity from
30 a nonqualified activity of the qualified Pine Tree Development Zone business or an
31 affiliated business. The commissioner shall determine whether a shifting of employees
32 has occurred.

33 **Emergency clause.** In view of the emergency cited in the preamble, this
34 legislation takes effect when approved.

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SUMMARY

This bill permits the income calculations that define qualified employees under the Pine Tree Development Zone program to be based on the income average of neighboring counties for a business located near the county borders.